



**TOR
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November 22, 2016

Via ECF

Honorable Magistrate Judge Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

**Re: Capital One, National Association v. The Halland Companies, LLC et al.,
Index No. 15-CV-5664 (SJF)(GRB)
Motion to Withdraw as Counsel**

Dear Honorable Magistrate Judge Brown:

I submit this motion under Local Civil Rule 1.4 and Your Honor's Individual Practice Rules, and on behalf of my firm's associate Frederic B. Jennings, to withdraw as counsel for all defendants in this action.

Ms. Hamburger, on behalf of herself and the other defendants in this case, has terminated this firm and has hired a new attorney. I have communicated with an attorney at the newly retained law firm, and we have discussed a smooth transition. I anticipate that Ms. Hamburger's new attorney will promptly submit a Notice of Appearance upon an order granting this motion. I will immediately forward the order to Ms. Hamburger and her new attorney. This firm does not anticipate asserting a retaining or charging lien against the defendants.

The plaintiff has served an amended complaint in this action, and defendants' response is due November 25, 2016.¹ Prior to its amended complaint, plaintiff filed a motion for summary judgment, and that motion has not been withdrawn. Judge Feuerstein ordered that the motion be fully briefed by February 6, 2017. The parties have also been ordered to conduct depositions of Ms. Hamburger and a Capital One loan officer by December 30, 2016. In light of this motion to withdraw as counsel, I will be seeking an extension of time for each of these obligations. Under Judge Feuerstein's Individual Practice Rule 4 (A), I will file a motion for an extension of time on these deadlines with Judge Feuerstein.

¹ Because November 24, 2016 is Thanksgiving, the date is due the day after, Friday, November 25, 2016, which is not a court holiday.



I request that the Court grant our application for an Order allowing this firm to withdraw as attorney of record and to allow the defendants the necessary protections to ensure that their rights are preserved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Jaffe', with a long, sweeping horizontal stroke extending to the right.

Mark H. Jaffe (MJ1725)

Cc: Christopher Palmieri, Esq. via ECF
Antonia Donahue, Esq., via ECF
David I. Rosenberg, Esq. via email
John A. Fortuna, Esq. via email
Kathleen Hamburger via email and FedEx